

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOC #:
DATE FILED: 12/3/07 (MD)

In re: ) 04-md-1603 (SHS)  
OXYCONTIN ANTITRUST LITIGATION )  
This document relates to:  
PURDUE PHARMA L.P., ) Civil Action No.: 1:07 Civ. 03972  
THE P.F. LABORATORIES, INC., and ) (SHS)  
PURDUE PHARMACEUTICALS L.P., )  
Plaintiffs and Counterclaim Defendants, )  
v. )  
KV PHARMACEUTICAL COMPANY and )  
ACTAVIS TOTOWA LLC, )  
Defendants and Counterclaim Plaintiffs, )  
And Related Counterclaims. )  
PURDUE PHARMA L.P., ) Civil Action No.: 1:07 Civ. 03973  
THE P.F. LABORATORIES, INC., and ) (SHS)  
PURDUE PHARMACEUTICALS L.P., )  
Plaintiffs and Counterclaim Defendants, ) Civil Action No.: 1:07 Civ. 04810  
(SHS)  
v. )  
KV PHARMACEUTICAL COMPANY, )  
Defendant and Counterclaim Plaintiff, )  
And Related Counterclaims. )  
PURDUE PHARMA L.P., ) Civil Action No. 1:06 Civ. 13095  
THE P.F. LABORATORIES, INC., and ) (SHS)  
PURDUE PHARMACEUTICALS L.P., )  
Plaintiffs, ) THIS DOCUMENT WAS FILED  
v. ) ELECTRONICALLY VIA CM/ECF  
MALLINCKRODT INC., )  
Defendant. )

**[PROPOSED] ORDER GRANTING PURDUE'S MOTION TO SUPPLEMENT  
THE RECORD ON THE ENFORCEABILITY OF ITS PATENTS**

Plaintiffs (collectively "Purdue") have moved for leave to supplement the *Endo* trial record as relied upon in this action.

*Purdue, and with no opposition having been made,*  
Having considered the submissions of the parties and for good cause shown, the Court concludes that Purdue's motion should be, and hereby is, GRANTED.

The following documents are admitted into evidence:

1. Remand Exhibit 1, a copy of an article by Robert F. Kaiko, *Relationships Between Opioid Disposition and Their Pharmacological Effects – An Overview*, 67 Postgrad. Med. J. S44 (1991), pre-marked as trial exhibit DX 3657 but neither offered nor admitted at the *Endo* proceeding.
2. Remand Exhibit 2, a copy of the cover and pages 1-4, 115-24 from the August 31, 2007 deposition of Dr. Robert F. Kaiko in these actions.
3. Remand Exhibit 3, a copy of an article by Robert F. Kaiko, titled *The United States experience with oral controlled-release morphine (MS Contin Tablets). Parts I and II. Review of nine dose titration studies and clinical pharmacology of 15-mg, 30-mg, 60-mg and 100-mg tablet strengths in normal subjects*, 63 Cancer 2348 (1989), pre-marked as trial exhibit DX 3147 but neither offered nor admitted at the *Endo* proceeding, and bearing production numbers P235630-36.
4. Remand Exhibit 4, a copy of a monograph published by the American Pain Society titled *Principles of Analgesic Use in the Treatment of Acute Pain and Cancer Pain* (3d ed. 1992) (the "Pain Society Monograph"), produced in discovery in *Endo* from Purdue's files, bearing production numbers P242407-430.

5. Remand Exhibit 5, a copy of an article by Eisenach et al., titled *Patient-controlled Analgesia Following Cesarean Section: A Comparison with Epidural and Intramuscular Narcotics*, 68 Anesthesiology 444 (March 1988).

6. Remand Exhibit 6, an excerpt from the Notification Of Transmittal Of The International Search Report Or The Declaration from PCT Application No. PCT/US92/10146, produced by Purdue in discovery in *Endo* with production numbers P206099-105.

7. Remand Exhibit 7, a copy of pages 1 and 165 of the August 14, 2002 deposition of Robert F. Reder, M.D. and deposition exhibit DX 1397, bearing production numbers P016176-219, marked and authenticated in the Reder deposition.

8. Remand Exhibit 8, a copy of pages 1, 3, 5-7, and 16-17 of the June 14, 2002 deposition of Ronald Kaplan, M.D. and deposition exhibit DX 673, entitled Purdue Protocol No. OC91-0402B, *Controlled-Release Oxycodone Tablets (Q12H) vs. Immediate-Release Oxycodone Tablets (Q.I.D.): Comparative Efficacy, Safety and Acceptability in Patients Previously Stabilized on Strong Opioid Analgesics for Chronic Cancer-Related Pain* (June 11, 1991), bearing production numbers RK00743-805, marked and authenticated in the Kaplan deposition.

9. Remand Exhibit 9, a copy of pages 1, 3, 5-7, and 18-19 of the June 14, 2002 deposition of Ronald Kaplan and deposition exhibit DX 674, entitled Purdue Protocol No. OC91-0402A, *Controlled-Release Oxycodone Tablets (30 mg, Q12H) vs. Immediate-Release Oxycodone Tablets (15 mg, Q.I.D.): Comparative Efficacy, Safety and Acceptability in Patients Previously Stabilized on Fixed-Combination Opioid Analgesics for Chronic Cancer-Related Pain* (June 11, 1991), bearing production numbers P615618-65, marked and authenticated in the Kaplan deposition.

10. Remand Exhibit 10, a copy of *Cancer Pain Relief*, World Health Organization Geneva (2d ed. 1996).

IT IS SO ORDERED.

Dated: 12/30, 2001

Sidney H. Stein  
United States District Court Judge